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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,039	08/15/2001	Daniel Leontiev	OE-89	1874

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WILLIAM A DRUCKER
SUITE 800
1901 L STREET N W
WASHINGTON, DC 20036-3506

EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,039

Applicant(s)

LEONTIEV ET AL.

Examiner

LaShanya R Nash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to an Amendment filed January 24, 2005. Claims 5-7 are presented for further consideration.

Response to Arguments

Claim objections, see Remarks/Arguments I, with respect to claims 1-4 under 37 CFR 1.75 (c) are withdrawn as claims 1-4 are cancelled.

Claim rejections, see Remarks/Arguments I, with respect to claims 1 and 4 under 35 USC 112, second paragraph are withdrawn as claims 1-4 are cancelled.

Applicant's arguments, see Remarks/Arguments II, with respect to the rejection(s) of claims 1, 3, and 4 under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn as claims 1-4 are cancelled.

Applicant's arguments, see Remarks/Arguments III, with respect to the rejection(s) of claim 2 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn as claims 1-4 are cancelled.

However, upon further consideration of newly presented claims 5-7, a new ground(s) of rejection is made in view of different interpretation of the previously applied reference and newly found prior art references.

Claim Objections

Claims 5-7 are objected to because of the following informalities: improper punctuation used in claims; and grammatical errors in claims.

Examiner suggests replacing "In an apparatus" in claim 5, line 1 with "An apparatus".

Examiner suggests omitting comma in "for industrial plant, machinery and processes" in claim 5, line 3.

Examiner suggests replacing "control and supervision means" in claim 5, line 5 with "a control and supervision means".

Examiner suggest replacing "web server apparatus" in claim 1, line 6 with "a web server apparatus".

Examiner suggests replacing "control and supervision apparatus" in claim 5, line 9 with "the control and supervision apparatus".

Examiner suggests replacing "the improvement comprising E-mail connection" in claim 5, line 10 with "the improvement comprising an E-mail connection".

Examiner suggests replacing "An apparatus" in claim 6, line 1 with "The apparatus".

Examiner suggests replacing "In a method" in claim 7, line 1 with "A method".

Examiner suggests replacing "from means for controlling and supervising" in claim 7, lines 4-5 with "from a means for controlling and supervising".

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Examiner suggests deleting duplicate "and reception" in claim 7, lines 12-13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman et al. (US Patent 5,956,487) in view of Motoyama et al. (US Patent 6,631,247), hereinafter referred to as Venkatraman and Motoyama respectively.

In reference to claim 5, Venkatraman shows an embedding web access mechanism that provides network accessible user interface functions (abstract and column 2, lines 1-41). Venkatraman further shows:

- An apparatus (Figure 1) for control and supervision at a remote location (i.e. device-specific user interface functions, column 3, lines 1-12) of controllers, panel meters, transmitters and signal conditioners for industrial plant machinery and processes (i.e. variety of devices, column 1, lines 14-27), comprising:
- A control and supervision means (i.e. computer system with user interface), (column 5, lines 51-60; Figure 2; column 7, lines 30-36; and Figure 4);

- A Web server apparatus connected to the control and supervision means to enable it to be connected to the Internet or to the Ethernet, (column 3, lines 13-26; column 4, lines 26-28; column 7, lines 24-29; and Figure 1);
- An Internet or Ethernet hub (i.e. communication path), (column 3, line 62 to column 4, line 4 and column 4, lines 25-27).
- A control and supervision apparatus (i.e. lab equipment devices) coupled to the hub, (column 3, lines 55-61).

However the reference does not explicitly show an improvement comprising an E-mail connection between the control and supervision apparatus and the plant machinery and processes. Nonetheless, this would have been an obvious modification to the mechanism as disclosed by Venkatraman for one of ordinary skill in the art at the time of the invention, as further evidenced by Motoyama.

In an analogous art, Motoyama shows a system employed to transmit machine status e-mails comprising gathered diagnostic, monitor, and control information of remote machines (abstract and column 3, lines 8-29). Motoyama further shows the system to comprise an e-mail connection between the aforementioned machines (i.e. plant machinery) and the computer for monitoring, diagnosing, and controlling the machine (i.e. control and supervision apparatus; column 6, lines 21-45). This modification to the aforementioned mechanism as disclosed by Venkatraman would have been obvious, because one of ordinary skill in the art would have been motivated so as to employ a convenient and inexpensive form of communication to forward

appropriate machine-based information to system users (i.e. resource manager), (Motoyama column 2, lines 32-38).

In reference to claim 7, Venkatraman discloses a method for employing a device with an embedded web server, in order to enable access of the device control interface via a remote location (column 2, lines 27-30 and column 2, lines 37-41). Venkatraman explicitly discloses the embedded web access method to comprise:

- A method of operating an apparatus controlling and supervising an operation at a remote location (i.e. device-specific user interface functions, column 3, lines 1-12), comprising the steps of:
- Transmitting information from a means for controlling and supervising the operation (i.e. computer system with user interface), to a web server, (column 5, line 65 to column 6, line 5); and
- Transmitting the information via the web server to the Internet or Ethernet, (column 3, lines 27-33);
- Receiving the information from the Internet or Ethernet, (column 3, lines 17-21);
- Modifying the operation with the received information, (column 3, lines 21-26 and column 3, lines 35-39).

However the reference does not explicitly show an improvement comprising transmission and reception of the information via E-mail. Nonetheless, this would have been an obvious modification to the mechanism as disclosed by Venkatraman for one of ordinary skill in the art at the time of the invention, as further evidenced by Motoyama.

In an analogous art, Motoyama shows a method employed to transmit machine status e-mails comprising gathered diagnostic, monitor, and control information of remote machines (abstract and column 3, lines 8-29). Motoyama further shows the method to comprise transmission and reception of the machine status information via E-mail (column 6, lines 21-45). This modification to the aforementioned method as disclosed by Venkatraman would have been obvious, because one of ordinary skill in the art would have been motivated so as to employ a convenient and inexpensive form of communication to forward appropriate machine-based information to system users (i.e. resource manager), (Motoyama column 2, lines 32-38).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatraman and Motoyama as applied to claim 5 above, and further in view of sci.electronics.misc (retrieved from Google Newsgroup).

In reference to claim 6, Venkatraman and Motoyama disclose a control and supervision means (i.e. computer system with user interface) coupled to an Internet or Ethernet hub (i.e. communication path), (Venkatraman column 5, lines 51-60; Figure 2; column 7, lines 30-36; and Figure 4;). However, the references fail to disclose the apparatus permitting operation of 1/8 DIN and 1/16 DIN devices. Nonetheless, 1/8 DIN and 1/16 DIN devices were well known in the art at the time of the invention, as further evidenced by Sci.electronics.misc.

In an analogous art, Sci.electronics.misc discloses 1/8 DIN and 1/16 DIN controllers as conventional controller devices that are manufactured and distributed for

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controlling heaters (i.e. ovens and chambers). One of ordinary skill in the art would have been motivated to accordingly modify the embedded web access mechanism, so as to operate a variety of lab equipment and measurement instruments via remote access (Venkatraman column 1, lines 24-27 and column 2, lines 37-41).

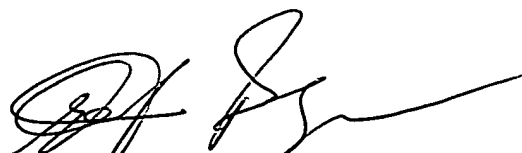
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit 2153
March 22, 2005



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100